



Order Filed on March 24, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-33073 (MBK)

Chapter: 13

Hearing Date: 3/31/20 9:00 am

Judge: Michael B. Kaplan

In Re:

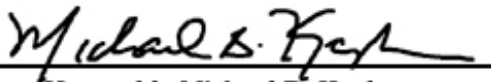
Michael S. Faretty II and Diana L. Faretty,

Debtors

ORDER ON MOTION TO VACATE DISMISSAL OF CASE

The relief set forth on pages 2-3 is hereby **ORDERED**.

DATED: March 24, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

CAPTION OF ORDER: ORDER ON MOTION TO VACATE DISMISSAL OF CASE

CASE #: 19-33073 (MBK)

HEARING DATE: 3/31/20 9:00 am

JUDGE: Michael B. Kaplan

The debtor having filed a motion to vacate dismissal of case; and the court having considered the objection filed by Lakeview Loan Servicing, LLC ("Lakeview"), a secured creditor, and the Debtor and Lakeview having resolved Lakeview's Objection to said Motion on consent as further provided hereunder; and for good cause shown; it is

✓**ORDERED** that the motion is granted and the order dismissing case is vacated effective on the date of this order. No actions taken during the period this case was dismissed were subject to the automatic stay or other provisions of the Bankruptcy Code;

IT IS FURTHER ORDERED that any deadline unexpired at the time of dismissal is nullified and reset as follows. Creditors and/or parties in interest have:

1. until the original deadline fixed by the court to file a complaint to object to the debtor's discharge or dischargeability of certain debts, or 60 days from the date of this Order, whichever is later;
2. until the original deadline fixed by the court to file a proof of claim or required supplement, or 60 days from the date of this Order, whichever is later; and
3. until the original deadline fixed by the court to object to exemptions, or 30 days from the date of this Order, whichever is later.

IT IS FURTHER ORDERED that if the meeting of creditors has not been concluded, the debtor must contact the case trustee to schedule a new date for the meeting, and must provide 21 days' notice under Bankruptcy Rule 2002(a)(1) of the new date to all creditors and parties in interest.

IT IS FURTHER ORDERED that if this is a chapter 13 case, and the debtor's plan has not been confirmed, the **confirmation hearing** is rescheduled to **June 10, 2020 at 10:00 a.m.**

IT IS FURTHER ORDERED that as of March 17, 2020, Debtors are in arrears outside of the Chapter 13 Plan to Lakeview for payments due February 2020 through March 2020 for a total post-petition default of \$3,438.20 (2 @ \$1,544.10, plus \$350.00 attorney's fees and costs).

IT IS FURTHER ORDERED that the debtors will make payment of \$1,544.10 by March 31, 2020 to Lakeview.

IT IS FURTHER ORDERED that the remainder of the arrears, fees and costs in the amount of \$1,894.10 are to be paid by April 30, 2020 to Lakeview.

IT IS FURTHER ORDERED that regular mortgage payments by Debtors to Lakeview are to resume April 1, 2020, directly to Lakeview's servicer, M&T Bank, P.O. Box 1288, Buffalo, NY 14240 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage).

IT IS FURTHER ORDERED that for the duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Lakeview may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond and cure and such default.

IT IS FURTHER ORDERED that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court.

IT IS FURTHER ORDERED that Lakeview's Objection to Motion to Vacate the Dismissal of this Case is hereby resolved.

☐ ORDERED that the motion to vacate order dismissing case is denied.

IT IS FURTHER ORDERED that whether the motion is granted or denied, the debtor must, within 3 days of the date of this Order, serve all creditors and parties in interest with a copy of this Order and immediately thereafter file Local Form *Certification of Service*.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Michael S Faretty, II
Diana L Faretty
Debtors

Case No. 19-33073-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 27, 2020.
db/jdb +Michael S Faretty, II, Diana L Faretty, 185 Eaton Ave., Hamilton, NJ 08619-2503

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 27, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 25, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Darren M Baldo on behalf of Joint Debtor Diana L Faretty darren@dbaldolaw.com
Darren M Baldo on behalf of Debtor Michael S Faretty, II darren@dbaldolaw.com
Denise E. Carlon on behalf of Creditor LakeView Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5